

that such a stipulation should not be implied. We are unable to reconcile such an implication with the freedom of the State and its admitted authority to refuse or qualify cessions of jurisdiction when purchases have been made without consent or property has been acquired by condemnation."

**43. Rule in *Dravo* case not in conflict with Attorney General's opinions.**—The rule announced in the *Dravo* case, supra, that reservations in consent-to-purchase statutes are valid and effective, is not in conflict with opinions of the Attorney General of the United States, cited in the footnotes,<sup>9</sup> holding that consent-to-purchase statutes containing reservations do not conform to the original requirements of Section 355, Revised Statutes, which prohibited the expenditure of public money upon land purchased by the United States for the purpose of erecting public buildings thereon "until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase has been given". In those opinions the Attorney General did not hold that reservations in such statutes vitiated the consent granted, but held merely that when such reservations were incompatible with the Federal Government's exclusive legislative authority, the consent given did not meet the requirements of Section 355, Revised Statutes. The act of February 1, 1940,<sup>10</sup> in amending Section 355, Revised Statutes, omitted the provision requiring consent of the legislature of the State to the purchase of land before public money may be expended for improvements thereon. Therefore, the rule expressed by the Attorney General in the cases above referred to would not now apply.

**44. Reservation of State jurisdiction for local purposes.**—As noted elsewhere in these chapters, it is often in the interest of both the State and Federal Governments that the United States have exclusive legislative authority over lands acquired for its uses within a State. On the other hand, it is sometimes consistent with the requirements of the Federal Government that the State retain limited legislative powers within such lands. The trend of State cession statutes enacted in recent years has been to reserve certain powers to the State. This was noted in the *Dravo* case,<sup>11</sup> in which the Court commented that "the possible importance of reserving to the State jurisdiction for local purposes which involve no interference with the performance of governmental functions is becoming more and more clear as the activities of the Government expand and large areas within the States are acquired." And in the *Mason* case<sup>12</sup> the Court said, "We have

<sup>9</sup> 8 Atty. Gen. 102; 20 id. 611; 31 id. 265; 31 id. 282.

<sup>10</sup> 54 Stat. 19; continued in effect and extended by act approved Oct. 9, 1940 (54 Stat. 1083).

<sup>11</sup> *James v. Dravo Contracting Co.*, 302 U. S. 134, 148.

<sup>12</sup> *Mason v. Taz Commission*, 302 U. S. 186, 208.